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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA
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13 L. SEVILLE PARKS,) 3:04-cv-00501-HDM-VPC
14 Plaintiff,)
15 vs.) ORDER
16 DEBRA BROOKS, et al.,)
17 Defendants.)
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19 On October 21, 2009, plaintiff sent the court a letter stating
20 that he needed ten witness subpoenas. The letter did not provide
21 the names of any witnesses. On November 4, 2009, the court ordered
22 plaintiff not only to file a list of possible witnesses, but also
23 to indicate what the expected testimony of those witnesses would
24 be, no later than December 4, 2009. The court stated that it would
25 not issue subpoenas until plaintiff had filed the required
26 information. Instead of filing the required list, on November 25,
27 2009, plaintiff filed a motion to have all defendants, all
28 plaintiff's witnesses, and plaintiff present at trial (#277). The

1 motion again failed to identify any witness by name, much less by
2 expected testimony.

3 At a hearing on December 22, 2009, the court made inquiry of
4 the plaintiff as to the expected testimony of the unidentified "ten
5 witnesses" referenced in the November 25, 2009 motion. Plaintiff
6 was unable to identify any witnesses by name or explain what their
7 expected testimony would be. The court then ordered plaintiff to
8 file his list of witnesses and anticipated testimony on or before
9 January 10, 2010.

10 On January 11, 2010, the plaintiff filed a list of possible
11 witnesses as part of his proposed pretrial order, but he did not
12 indicate what he expected their testimony would be or why their
13 testimony would be relevant.

14 At a hearing on August 5, 2010, the court once again inquired
15 as to plaintiff's possible witnesses and whether he was issuing
16 subpoenas for them. The plaintiff indicated that he did not have
17 his materials with him so he could not identify his witnesses by
18 name or expected testimony.

19 Accordingly, the generic motion that the plaintiff filed on
20 November 25, 2009 (#277), is denied as to his witnesses, as he is
21 unable to identify what witnesses he expects to call or what he
22 anticipates their testimony will be.

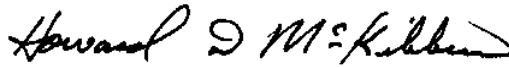
23 The motion is denied as moot as to plaintiff himself because
24 plaintiff is no longer in custody.

25 Finally, the motion is denied as to the defendants. Plaintiff
26 cites no law, and the court is unable to find any, compelling all
27 named defendants to be physically present at trial. To the extent
28 plaintiff wants to call any witnesses in his case-in-chief,

1 including the defendants, he will have to issue subpoenas in
2 accordance with Rule 45 of the Federal Rules of Civil Procedure in
3 order to secure their attendance.

4 IT IS SO ORDERED.

5 DATED: This 11th day of August, 2010.

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8 UNITED STATES DISTRICT JUDGE
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